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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

MAILED

AUG 11 2010

OFFICE OF PETITIONS

In re Patent No. 7,618,935 : DECISION ON REQUEST FOR
Hill et al. : RECONSIDERATION OF
Issue Date: November 17, 2009 : PATENT TERM ADJUSTMENT AND
Application No. 10/534,193 : NOTICE OF INTENT TO ISSUE
Filed: December 7, 2005 : CERTIFICATE OF CORRECTION
Attorney Docket No. SPRUS1140 :
(026470-0501) :

This is a decision on the petition filed on January 5, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred seventy-nine (879) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The term of the above-identified patent is extended or adjusted by **nine hundred eleven (911) days**.

In the present petition, patentee indicates that the total non-overlapping period between A delay and B delay is 964 days. Further, patentee state that applicant delay is 85 days.

A review of the record supports a conclusion that the number of days of applicant delay is 53 days. As such, the patent term adjustment is 911, not 879 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred eleven (911) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT: 7,618,935 B2

DATED: Nov. 17, 2009

DRAFT

INVENTOR(S): Hill et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 351 days

Delete the phrase "by 351 days" and insert – by 911 days--

Day : Wednesday

PALM INTRANET

Date: 8/11/2010

Time: 10:58:09

PTA Calculations for Application: 10/534193

Application Filing Date:	12/07/2005	PTO Delay (PTO):	404
Issue Date of Patent:	11/17/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	53
Post-Issue Petitions:	0	Total PTA (days):	911
PTO Delay Adjustment:	560		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
83	08/11/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	560		
78.5	10/28/2009	PTA 36 MONTHS			
78	11/17/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
77	10/22/2009	EXPORT TO FINAL DATA CAPTURE			
76	10/21/2009	DISPATCH TO FDC			
75	10/16/2009	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
74	10/13/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
73	10/13/2009	TC RETURN TO PUBS			
72	10/13/2009	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
71	09/22/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
70	09/22/2009	ISSUE FEE PAYMENT VERIFIED			
69	09/25/2009	REFERENCE CAPTURE ON IDS			
68	09/22/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		2	75
67	09/24/2009	SUPPLEMENTAL PAPERS - OATH OR DECLARATION		23	75
66	09/22/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
65	09/22/2009	ISSUE FEE PAYMENT RECEIVED			
64	08/06/2009	FINISHED INITIAL DATA CAPTURE			
63	07/01/2009	SEQUENCE FORWARDED TO PUBS ON TAPE			
62	06/26/2009	EXPORT TO INITIAL DATA CAPTURE			
60	06/24/2009	MAIL NOTICE OF ALLOWANCE			

59	06/22/2009	ISSUE REVISION COMPLETED			
58	06/22/2009	DOCUMENT VERIFICATION			
57	06/22/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	06/22/2009	EXAMINER'S AMENDMENT COMMUNICATION			
55	06/18/2009	NOTICE OF ALLOWABILITY			
53	05/12/2009	DATE FORWARDED TO EXAMINER			
52	05/05/2009	RESPONSE AFTER NON-FINAL ACTION			
51	03/20/2009	MAIL NON-FINAL REJECTION			
50	03/16/2009	NON-FINAL REJECTION			
49	10/31/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	07/15/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	04/02/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
46	12/18/2008	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED			
45	01/02/2009	DATE FORWARDED TO EXAMINER			
44	12/18/2008	RESPONSE AFTER NON-FINAL ACTION			
43	10/31/2008	REFERENCE CAPTURE ON IDS			
42	10/31/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
41	12/10/2008	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
40	10/31/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	10/17/2008	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
38	10/16/2008	MISCELLANEOUS ACTION WITH SSP			
37	07/15/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	35
36	08/14/2008	DATE FORWARDED TO EXAMINER			
35	07/15/2008	RESPONSE AFTER NON-FINAL ACTION		28	31
34	07/15/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	07/15/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	04/02/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	03/17/2008	MAIL NON-FINAL REJECTION	404		12
30	03/10/2008	NON-FINAL REJECTION			

24	02/06/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	09/15/2006	CASE DOCKETED TO EXAMINER IN GAU			
22	07/10/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	12/07/2005	PRELIMINARY AMENDMENT			
18	05/25/2006	CLEARED BY OIPE CSR			
17	05/25/2006	CLEARED BY OIPE CSR			
16	05/25/2006	CLEARED BY OIPE CSR			
15	05/25/2006	CLEARED BY OIPE CSR			
14	05/25/2006	CLEARED BY OIPE CSR			
13	05/25/2006	CLEARED BY OIPE CSR			
12	12/07/2005	371 COMPLETION DATE			
11	05/22/2006	APPLICATION DISPATCHED FROM OIPE			
10	05/22/2006	NOTICE OF DO/EO ACCEPTANCE MAILED			
9	12/07/2005	ADDITIONAL APPLICATION FILING FEES			
8	02/06/2006	INFORMATION DISCLOSURE STATEMENTS			
7	12/07/2005	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
6	12/07/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
5	12/07/2005	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	01/30/2006	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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